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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/740,854
Filing Date: December 21, 2000
Appellant(s): ARNOTT, ROBERT J.

Thomas E. Anderson
For Appellant

EXAMINER'S ANSWER ✓

This is in response to the appeal brief filed 5-7-2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

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(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is deficient because it is not a summary of appellant's invention, but rather a description of his drawings and reference to his claims. The real summary of the invention is shown on pages 4-6 of the appellant's specification and Board's attention is respectfully directed to pages 4-6 of the appellant's specification for a correct summary invention.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-2, 13, 24 do not stand or fall together, claims 4-5, 26, 30, stand or fall together, claims 6, 9, stand or fall together, claim 12 stands or fall by itself, claims 14-18, 22, 25, stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,148,072	Huang	11-14-2000
US 2001/0022836A1	Bremer et al.	9-20-2001

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6,323,892 B1	Mihara	11-27-2001
JP02000092463A	Haegebarth	3-31-2000
6,519,250 B1	Fan	2-11-2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 13, 24, are rejected under 35 U.S.C 102(e) as being anticipated by Huang (US PAT: 6,148,072).

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Regarding claim 1, Huang discloses a communication device comprising: a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A) for transmitting and receiving a voice component of a videoconferencing session , and a second interface (644, fig. 2A) to a data channel of the subscriber line (646, fig. 2A) for transmitting and receiving video component if the video conferencing session (col. 4 lines 31-42), wherein the communication device is configured to establish a connection to at least the data channel based at least in part a predetermined signal (col. 4 lines 36-38, col. 5 lines 16-31) received over the first channel (col. 4 lines 43-50).

Regarding claims 24, Huang further discloses a communication device and method comprising: providing a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A), for transmitting and receiving of a voice component videoconferencing session, providing a second interface (644, fig. 2A) to a data channel for transmitting and receiving a video component of the videoconferencing session, and establishing a connection to at least the data channel based on at least in part on a predetermined signal (col. 4 lines 36-38) received over the voice channel (col. 4 lines 31-65)

Regarding claims 2, 13, Huang further teaches the following: first channel is a public switched telephone network, predetermined signal of a tone burst comprising a sequence of data transmitted from a second communication device (col. 5 lines 16-31).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, and 26, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer et al. (Pub. No: US2001/0022836A1, filed 2-27-1998, hereinafter Bremer).

Regarding claim 4-5, 26, 30, Huang does not teach the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem.

However, Bremer discloses apparatus and method for simultaneous multiple telephone type services on a single telephone line which teaches the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem (fig. 1, paragraphs: 0057, 0031).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem as this arrangement would facilitate to provide multiple type telephone services to the user as taught by Bremer (paragraph: 0008), thus enhancing the application capability of the user telephone system.

5. Claims 6, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara (US PAT: 6,323,892 B1, filed 7-29-1999).

Huang differs from claims 6, 9, in that although he shows camera (626, fig. 2A) and display (636, fig. 2A), he does not explicitly show the following: CCD camera configured to capture the video component transmitted via second channel and LCD for displaying the video component received via data channel.

However, Mihara discloses display and camera device which teaches the following: CCD camera integrated with a communication device and LCD integrated with a communication device (figs. 5A/5B, col. 6 lines 32-45, col. 7 lines 5-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: CCD camera

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configured to capture the video component transmitted via second channel and LCD for displaying the video component received via data channel as this arrangement would provide for compact arrangement for video telephone as taught by Mihara.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara as applied to claim 9 above, and further in view of Haegebarth (JP 02000092463A).

Regarding claim 12, the combination does not teach the following: LCD is used to display advertisements transmitted via data channel , when voice channel is not transmitting or receiving voice.

However, Haegebarth discloses method for increasing use of video conference which teaches the following: LCD is used to display advertisements transmitted via the second channel , when the first channel is not transmitting or receiving voice (page 7, second paragraph).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: LCD is used to display advertisements transmitted via data channel , when voice channel is not transmitting or receiving voice as this arrangement would facilitate reducing the communication costs to the user as trade off for watching the advertisements as taught by Haegebarth (page 6, last paragraph).

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7. Claims 14-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer and Fan (US PAT: 6,519,250 B1, filed 4-16-1999).

Huang differs from claims 14-17, 25 in that although he discloses sending a voice band packet to the destination telephone number, the voice band packet including the address of the second line of the initiating telephone and destination telephone decoding the packet to find out the address on the initiating telephone (col. 5 lines 16-31), he does not explicitly show using fields in the sent packet such as repeating sequence of characters in the second field allowing communication device to synchronize to the tone burst, third field containing header information to identify the second communication device as being similarly configured communication device, the first field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly.

However, Bremer teaches sending data packet (fig. 6) with the following fields: first field fields in the sent packet such as repeating sequence of characters (reads on flag 102, fig. 6) allowing communication device to synchronize to the tone burst, a second field containing header information and third field containing user information and fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly (fig. 6, paragraph: 0056) and Fan discloses quick connect internet telephone and method therefor which

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teaches sending an IP address and identifying the type of communication device (col. 4 lines 57-67, col. 5 lines 1-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: fields in the sent packet such as repeating sequence of characters allowing communication device to synchronize to the tone burst, second field containing header information to identify the second communication device as being similarly configured communication device, the third field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly as this arrangement would facilitate data transmission using internet using packets with suitable fields to send data and protect data from transmission errors after suitably identifying the transmission and receiving devices as taught by Bremer and Fan, one advantage of this arrangement is that internet is a dominant presence providing cheaper transport means for data between the users as is well known in the art.

Regarding claim 18, Huang teaches the following: analog modem (630, fig. 2A) to receive the tone burst data (col. 5 lines 16-24).

8. Claims 19-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 27-29, are allowed.

(11) Response to Argument

Rejection of claims 1-2, 13, 24 under 35 U.S.C 102(e) as being anticipated by Huang (US PAT: 6,148,072): Regarding rejection of independent claim 1 as being anticipated by Huang, Appellant in his appeal brief on pages 7-8 alleges that examiner failed to understand the key difference between the claimed invention and the prior art (Huang) and then Appellant on pages 9-12 of his appeal brief goes into various details as to how Huang reference operates. Further Appellant on last paragraph of page 12 of his appeal brief argues that "In contrast to the teachings of Huang, the claimed invention recites the limitations of "a first interface to a voice channel of a subscriber line for transmitting and receiving a voice component of a video conferencing session" and "a second interface to a data channel of the subscriber line for transmitting and receiving a video component of the video conferencing session." See, e.g., claim 1 and claim 24. Thus, the voice channel and the data channel as recited in the present application are part of a same subscriber line, whereas Huang requires two separate telephone lines". Regarding this and notwithstanding the Appellant's misinterpretation of Huang reference, Huang teaches Appellants claim limitations of claim 1 such as a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A) for transmitting and receiving a voice component of a video conferencing session and a second interface (644, fig. 2A) to a data channel of the subscriber line (646, fig. 2A) for

transmitting and receiving a video component of the video conferencing session (col. 4 lines 31-42). Furthermore although Appellant is making arguments about Huang reference to create a misleading impression that Huang reference does not teach the claim limitations of the Appellant as recited in claims 1 and 24 , Huang clearly teaches the appellants claim limitations in that Appellant is using a similar scheme as Huang to set up video conferencing session as shown by Appellant's specification and drawings (e.g., figs. 1-2). Appellants specification contains the following description: a first connection may interface to each video phone appliance to provide a first channel for transmitting voice data to another party via voice network such as, for example, the public switched telephone network (PSTN). A second connection may interface to each video phone appliance to provide a second channel for transmitting video data. The second connection to the video phone may be, include, or interface to data connection, such as digital subscriber line (xDSL), an Ethernet connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1, or E3 line, or an Integrated Services Digital Network (ISDN) line (e.g., page 4 lines 10-17 of Appellant's specification). As can be seen from the above descriptions of Appellants specification, Appellant is using a similar scheme as Huang to set up video conferencing session and therefore Huang clearly anticipates claims 1 and 24 of Appellant's. Therefore, Examiner submits that prima facie case of anticipation rejection of claims 1 and 24 has been made and Appellant's arguments about Examiner's failure to understand the key difference between the claimed invention and the prior art (Huang) are not valid and are therefore moot.

Appellant on page 13 of his appeal brief refers to textual support for voice and video transmission over separate channels of a same subscriber line and quotes from Appellant's specification and recites that the claimed invention contemplates the use of a single subscriber line such as a telephone line for transmitting and receiving both voice and video components of a video conferencing session. Appellant has selectively quoted from his specification to promote his argument about a single subscriber line, which is incorrect as shown here. Appellant's specification on page 8, lines 11-19 describes the following: "A first connection 115 (fig. 1) interfaces to the video phone appliance (100, fig. 1) to provide a first channel for transmitting voice data to another party via voice network such as the public switched telephone network (PSTN), as understood by persons skilled in the art. A second connection (145, fig. 1) interfaces to the video phone appliance 100 in order to provide a second channel for transmitting video data. The second connection 145 to the video phone appliance may be, include, or interface to a digital subscriber line (xDSL), an Ethernet connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1, or E3 line, or an Integrated Services Digital Network (ISDN) line". From this, one can see Appellant using two channels/lines to set up a video conferencing session and calls it loosely as a single subscriber line contrary to what is set forth in the specification. Thus, it can be discerned from the above description that Appellant is using a scheme similar to Huang reference in that Huang reference teaches the following: a first interface (630, fig. 2A) to

a voice channel of a subscriber line (646, fig. 2A) for transmitting and receiving a voice component of a video conferencing session and a second interface (644, fig. 2A) to a data channel of the subscriber line (646, fig. 2A) for transmitting and receiving a video component of the video conferencing session (col. 4 lines 31-42). In view of this Huang clearly anticipates claim limitations 1, 24 of appellant's and appellant's arguments about Examiner's failure to understand the key difference between the claimed invention and the prior art (Huang) are not valid and are therefore moot.

Appellant on pages 13-14 of his appeal brief alleges that examiner has failed to grasp the key difference due to misunderstanding of the terms subscriber line and channel and quotes examiner response to arguments in response to May 16, 2003, office action. Concerning examiner's response, Appellant further argues that "Based on Examiner's response to Appellant's remarks, and in view of relevant passages of Huang cited above, Appellant respectfully submits that Examiner's misapplication of Huang to claims 1 and 24 results from Examiner's failure to consider the limitation that both voice channel and data channel are of the same subscriber line as recited in both claims 1 and 24. Appellant further submits that Examiner's failure to consider this limitation may stem from Examiner's apparent misunderstanding of the ordinary meanings of the claim terms "subscriber line" and "channel"". Regarding this, Appellant is relentless in his argument about examiners misapplication of Huang reference and Examiner's failure to consider the limitation that both the voice channel and data channel are of the same

subscriber line, Examiner's misunderstanding of meanings of subscriber line and channel although Appellant's specification sets forth a scheme which uses a first connection 115 (fig. 1) such as PSTN line for voice communication and a second connection (145) such as (XDSL), an Ethernet connection, etc and loosely calls it a subscriber line. Similarly Huang reference teaches first connection (630, fig. 2A) such as PSTN line for voice connection while a second connection (644, fig. 2A) using a PSTTN line for video connection (col. 4 lines 31-42) using a subscriber line (646, fig. 2A). While Examiner has made similar arguments in response to Appellant's arguments to final rejection via advisory action dated 2-2-2004, Appellant has failed to consider those arguments in Appeal brief and is selectively quoting from examiner's response to Appellant's arguments in response to office action dated 10-09-2003. In view of this, Huang clearly anticipates claim limitations 1, 24 and appellant's arguments about Examiner's failure to understand the key difference between the subscriber line and channel are not valid and are therefore moot.

On pages 14-16 of appeal brief, Appellant gives dissertation about subscriber line and DSL and goes into nuances of establishing connections in Huang reference and further speculates on last paragraph of page 17 of his appeal brief that "the Examiner seems to rely on the illustration of modem 630, modem 644 and the "subscriber line 646" in Huang's reference FIG. 2A as evidence that Huang discloses the use of two channels in a single subscriber line. However, contrary to the Examiner's

interpretation, item 646 does not refer to a single subscriber line". Regarding this, item 646 (fig. 2A) of Huang's reference which Appellant refers to above is a means for connecting two video phone systems or a line connection similar to line connection 546 in fig. 1A of Huang reference (col. 3 lines 30-31). Since subscribers are using connection 646 (fig. 2) in Huang's reference for setting up audio and video channels for video conferencing, it serves as subscriber line for establishing voice and video connections using different channels for voice and video in connection with video conferencing which is similar to appellant's as illustrated by Appellant's fig. 1 in which a first connection 115 (fig. 1) interfaces to the video phone appliance to provide a first channel for transmitting voice data to another party via voice network such as PSTN, and second connection 145 interfaces to the video appliance 100 in order to provide a second channel for transmitting video data. The second connection 145 to the videophone appliance may be, include, or interface to a digital subscriber line (xDSL, an Ethernet connection etc (page 8 lines 11-19 of Appellants specification). Appellant further argues on page 18 of his appeal brief that "Although only one line is depicted between two videophone parties in Huang's drawing, the description in Huang clearly establishes that two or more telephone lines are used. This is evidenced by the use of two modems (630 and 644) and recitation of four different telephone numbers in Huang's claim 1. Therefore, the Examiner's reliance on Huang's drawing is unfounded". Regarding this, however much appellant is trying to make arguments to create misleading impression about Huang's teachings and their relevance to Appellant's claims 1 and 24, Huang's method of establishing video conferencing is similar to that of

Appellant's system. Appellant above referred to two modems 630 and 634 of Huang's, this is similar to Appellants first connection interface (115, fig. 1) and a second connection interface (145) and further appellant is using two lines 115 for PSTN and 145 for xDSL or Ethernet connection (page 8 lines 11-19 of Appellant's specification) and Appellant further calls these lines as a single subscriber line. The similarity to Huang's way of setting up video conferencing is further evidenced by Appellant's fig.2 and its description. According to Appellant's specification on last paragraph of page 9, it describes the following: video phone appliance 200a (fig. 2) includes a voice channel 215a (fig. 2) that provides a first interface to a voice network 220, such as PSTN. A second connection 245a provides a second interface to the Internet 290 (fig. 2) or other network for video transmission. From the above description of Appellant's specification, it can be discerned that Appellant is using two networks such as PSTN (220, fig. 2) and Internet (290, fig. 2) and Appellant loosely calls them a subscriber line. In light of the above explanation, Huang clearly anticipates claim limitations of 1, 24 appellants and appellants arguments contrary to this are not valid. Therefore examiner submits that rejection of claims 1, 2, 13, and 24 are proper as they are anticipated by Huang as set forth in the arguments above also as set forth in the final office action which is repeated under grounds of rejection.

Appellant's arguments regarding dependent claims 2, 4-6, 9, and 12-22, 25, 26, 30, are tied to independent claims 1 and 24, on which they depend, being patentable

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which are not since Huang clearly anticipates claim limitations of 1, 24 appellants as set forth above in response to appellant's arguments with respect to claims 1 and 24. In view of this it is respectfully submitted that the anticipation rejection of claims 1, 2, 13, 4-6, 9, and 12-22, 25, 26, 24 as set forth in the final rejection is proper and maintenance of the rejection of these claims is respectfully requested.

Rejection of claims 4, 5, 26 and 30 under 35 U.S.C 103(a) as being unpatentable over Huang (US PAT: 6,148,072) in view of Bremer et al. (US Pub No: US 2001/0022836A1) and rejection of claims 6, 9, under 35 U.S.C 103(a) as being unpatentable over Huang (US PAT: 6,148,072) in view of Mihara (US PAT: 6,323,892 B1) and rejection of claim 12 under 35 U.S.C 103(a) as being unpatentable over Huang (US PAT: 6,148,072) in view of Mihara (US PAT: 6,323,892 B1) and further in view of Haegebarth (JP02000092463A) and rejection of claims 14-18 and 25 , under 35 U.S.C 103(a) as being unpatentable over Huang (US PAT: 6,148,072) in view of Bremer et al. (US Pub No: US 2001/0022836A1) and further in view of Fan (US PAT: 6,519,250 B1): Regarding the rejection of these claims under 103(a) using above cited art, Appellant on pages 21-22 of his appeal brief argues that there must be motivation or suggestion either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings and implies hindsight for rejecting the above claims. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense

necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding rejection of claims 4, 5, 26, and 30, Appellant on pages 22-23 of his appeal brief again refers to Huang and argues that Huang actually teaches away from using a single subscriber line. As explained above in response to appellant's arguments regarding rejection of independent claims 1 and 24, Huang has a similar arrangement to set up video conferencing between two users as Appellant's arrangement in that Huang teaches setting up first connection interface (630, fig. 2A of Huang, col. 4 lines 31-42) for setting up a voice connection just as Appellant is using a first interface (215a, fig. 2 of Appellants) providing first interface to a voice network (220, fig. 2 of Appellants, page 9 lines 19-21 of Appellant's specification); Huang further teaches setting up a second connection interface (644, fig. 2A of Huang, col. 4 lines 31-42) for video connection just as Appellant is using a second interface (245a, fig. 2 of Appellants) to the internet (290, fig. 2 of Appellants, page 9 lines 19-21 of Appellant's specification). Appellant loosely calls these interfaces 215 a and 245a and corresponding networks 220 and 290 as a subscriber line which corresponds to subscriber line (646, fig. 2A) of Huang's. As can be seen from the above description,

Huang clearly anticipates and obviates Appellant's claims and Appellant's arguments to show otherwise is not valid. Appellant further refers on last paragraph of page 23 bandwidth which is not related to his claim limitations and hence no explanation is required.

Regarding rejection of claims 4, 5, 26, 30, on page 24-25 of his appeal brief, Appellant refers to Bremer reference and selectively quotes from the reference to promote his arguments. Appellant's attention is drawn to the fact that Bremer reference was used for its teaching: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem (fig. 1, paragraphs: 0057, 0031) which are recited in the dependent claims 4-5, 26 and 30 while Huang teaches the limitations of independent claims 1 and 24 as shown above in response to appellant's arguments with respect to rejection of claims 1 and 24. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In view of this the combination of Huang and Bremer teaches the limitations of claims 4-5, 26 and 29 as set forth in the final office action which is repeated above under grounds for rejection. Therefore, it is respectfully submitted that rejection of claims 4-5, 26 and 29,

is valid and proper as set forth in the final office action which is repeated above under grounds for rejection and maintenance of rejection of claims 4-5, 26 and 29, is respectfully requested.

Regarding rejection of claims 6 and 9, Appellant argues on 25-26 of his appeal brief that independent claim 1 from which claims 6 and 9 depend, recites the limitation of transmitting and receiving voice component of a video conferencing session via voice channel and transmitting and receiving video component of the video conferencing session via video channel, where both the voice channel and the video channel are of the same subscriber line. As explained above in connection with response to Appellant's arguments with respect to rejection of claim 1, Huang clearly teaches these limitations of Appellant's claim 1. Furthermore since the combination of Huang and Mihara teaches the limitations of claims 6 and 9 as set forth in the final rejection which is repeated above under grounds of rejection while limitations of independent claim 1 are taught by Huang, it is respectfully submitted that the rejection of claims 6 and 9 is proper and valid, and maintenance of rejection of claims 6 and 9, is respectfully requested.

Regarding rejection of claim 12, Appellant argues on 27-28 of his appeal brief that independent claim 1, from which claim 12 depends recites the limitation of transmitting and receiving voice component of a video conferencing session via voice channel and transmitting and receiving video component of the video conferencing session via video channel, where both the voice channel and the video channel are of

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the same subscriber line. As explained above in connection with response to Appellant's arguments with respect to rejection of claim 1, Huang clearly teaches these limitations of Appellant's claim 1. Furthermore since the combination of Huang and Mihara and Haegebarth teaches the limitations of claim 12 as set forth in the final rejection which is repeated above under grounds of rejection while limitations of independent claim 1 are taught by Huang, it is respectfully submitted that the rejection of claims 12 is proper and valid, and maintenance of rejection of claim 12, is respectfully requested.

Regarding rejection of claims 14-18, 22 and 25, Appellant argues on pages 28-29 of his appeal brief that independent claims 1 and 24, from which claims 14-18, 22, and 25 respectively depend, recites the limitation of transmitting and receiving voice component of a video conferencing session via voice channel and transmitting and receiving video component of the video conferencing session via video channel, where both the voice channel and the video channel are of the same subscriber line. As explained above in connection with response to Appellant's arguments with respect to rejection of claims 1 and 24, Huang clearly teaches these limitations of Appellant's claims 1 and 24. Furthermore since the combination of Huang and Bremer teaches the limitations of claims 14-17 and 25 as set forth in the final rejection which is repeated above under grounds of rejection while limitations of independent claims 1, 24 and dependent claim 18 are taught by Huang, it is respectfully submitted that the rejection of claims is proper and valid, and maintenance of rejection of claim 14-18 and 25 is respectfully requested.

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Conclusion

For the above reasons, the examiner respectfully submits that a ***prima facie*** case of anticipation and obviousness of the claimed invention is set forth in the Final Office action under 35 U.S.C. 102(e) and 35 U.S.C 103(a) and Appellant(s) have failed to overcome ***prima facie*** case of anticipation and obviousness of the claimed invention under 35 U.S.C 102(e) and 35 U.S.C. 103(a). Accordingly, it is believed that final rejection under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) is proper and Board of Patent Appeals and interferences is therefore urged to affirm Examiner's rejection(s).

Respectfully submitted


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